

**ECKERT
SEAMANS**Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219TEL 412 566 6000
FAX 412 566 6099
www.eckertseamans.com

FACSIMILE

RECEIVED
CENTRAL FAX CENTER
SEP 09 2004

TO: Examiner Stephen A. Holzen

COMPANY: USPTO FAX NUMBER: 703-872-9306
286308-00001

DATE: September 9, 2004 TIME: 4:44 PM

FROM: William F. Lang, IV DIRECT DIAL: 412.566.2024

TOTAL PAGES (including cover): 8

MESSAGE:

NOTICE OF CONFIDENTIALITY: The statements upon and any documents included with this facsimile transmittal sheet contain information from the firm of Eckert Seamans Cherin & Mellott, LLC, that is confidential, privileged and exempt from disclosure under applicable laws. This information is intended to be for the exclusive use of the named addressee. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this transmittal is prohibited. If you have received this facsimile in error, please immediately notify us at 412.566.6161 (collect) so that we can arrange for the retrieval of the original documents at no cost to you.

PITTSBURGH, PA HARRISBURG, PA PHILADELPHIA, PA BOSTON, MA WASHINGTON, DC WILMINGTON, DE
MORGANTOWN, WV SOUTHPOINTE, PA ALCOA CENTER, PA

PTO/SB/97 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

ATTN: EXAMINER - STEPHEN A. HOLZEN

FAX: 703-872-9306

Certificate of Transmission under 37 CFR 1.8TOTAL PAGES ATTACHED: 7

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on SEPTEMBER 9, 2004
Date

Signature

WILLIAM F. LANG, IV

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

LETTER
EUROPEAN SEARCH REPORT (5 PAGES)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

TEL 412 566 6000
FAX 412 566 6099
www.eckertseamans.com

William F. Lang, IV
412.566.2024
wlang@escm.com

September 9, 2004

VIA FACSIMILE – PLEASE ACKNOWLEDGE RECEIPT

Examiner Stephen A. Holzen
United States Patent & Trademark Office
Group Art Unit: 3644
MAIL STOP AF
P.O. Box 1450
Alexandria, VA 22313-1450

**Re: U.S. Patent Application Serial No. 09/756,891
entitled "Compressed Gas Powered Gun Simulating the Recoil of a Conventional
Firearm"
(Our Ref. 286308-00001)**

Dear Examiner Holzen:

Per our telephone conference today, I have enclosed a copy of the European Search Report in which the references listed in my Information Disclosure Statements of July 6, 2004 were cited.

Thank you for your assistance and for considering these additional references.

Best regards.

Very truly yours,

A handwritten signature in cursive script that reads "William F. Lang IV".

William F. Lang, IV

WFL/lst

Enclosures

cc: Mark Schavone (w/o encls.)
Arnold B. Silverman, Esquire (w/o encls.)



P.B.5818 - Patentlaan 2
2200 HV Rijswijk (ZH)
☎ +31 70 340 2040
TX 31651 epo nl
FAX +31 70 340 3015

Europäisches
Patentamt

Zweigstelle
in Den Haag
Recherchen-
abteilung

European
Patent Office

Branch at
The Hague
Search
division

Office européen
des brevets

Département à
La Haye
Division de la
recherche

Carstairs, J. C.
Forrester & Boehmert,
Pettenkoferstrasse 20-22
80336 München
ALLEMAGNE

FORRESTER & BOEHMERT	
Entg. / Fee	30. JULI 2004
Entg. / Fee	
Entg. / Fee	wf

FILED	30
03	
FILE NUMBER	

Datum/Date

28.07.04

Zeichen/Ref./Réf. FB12844/E17979E	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 02733778.1
Anmelder/Applicant/Demandeur/Patentinhaber/Propriétaire/Titulaire Schavone, Mark	

COMMUNICATION

The European Patent Office herewith transmits:

- ☐ the European search report
- ☐ the declaration under Rule 45 EPC
- ☐ the partial European search report under Rule 45 EPC
- ☒ the supplementary European search report concerning the international application under Article 157(2) EPC relating to the above-mentioned European patent application. Copies of the documents cited in the search report are enclosed.

The following specifications given by the applicant have been approved by the Search Division:

- ☐ Abstract ☐ Title ☐ Figure
- ☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.
- ☐ The following figure will be published with the abstract, since the Search Division considers that it better characterises the invention than the one indicated by the applicant.
- Figure:
- ☐ Additional copy(copies) of the documents cited in the European search report.

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



EPO Form 1507 02.93



European Patent
Office

**SUPPLEMENTARY
EUROPEAN SEARCH REPORT**

Application Number
EP 02 73 3778

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 857 854 A (KWALWASSER YAAKOV) 12 January 1999 (1999-01-12) * column 4, line 54 - column 5, line 4; figures 4A, 4B *	1-4	F41A33/06 F41B11/00
X	DE 36 31 262 A (WALTHER CARL GMBH) 24 March 1988 (1988-03-24) * column 4, line 16 - line 50; figure 3 *	1-4	
X	FR 2 345 694 A (MATERIEL TELEPHONIQUE) 21 October 1977 (1977-10-21) * page 5, line 14 - page 6, column 37, lines - *	1,2	
X	GB 2 319 076 A (CONSTANTIA) 13 May 1998 (1998-05-13) * page 2, line 11 - page 3, line 20; figures *	1,2	
			TECHNICAL FIELDS / SEARCHED (Int.Cl.7)
			F41A F41B
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search		Date of completion of the search	Examiner
Munich		15 April 2004	Herrera, M
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		I : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

1
EPO FORM 1501 (01.82) (Rev.04)

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 02 73 3778

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

15-04-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5857854	A	12-01-1999	IL 119463 A	31-08-2000
DE 3631262	A	24-03-1988	DE 3631262 A1	24-03-1988
			CH 674568 A5	15-06-1990
FR 2345694	A	21-10-1977	FR 2345694 A1	21-10-1977
			BE 852681 A1	18-07-1977
			DE 2712769 A1	29-09-1977
GB 2319076	A	13-05-1998	NONE	

EP0 FORM P048E

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82



European Patent
Office

Application Number

EP 02 73 3778

CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☐ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☒ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:

1-5



European Patent
Office

LACK OF UNITY OF INVENTION
SHEET 8

Application Number
EP 02 73 3778

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-5

A gas-powered gun with means for simulating a recoil

2. claims: 6,7

A trigger assembly for a gas-powered gun

3. claims: 8-10

A magazine assembly for a gas-powered gun
